



## Department of Energy

Idaho Operations Office  
850 Energy Drive  
Idaho Falls, Idaho 83401-1563  
October 2, 2001

Mr. Dean Nygard, Site Remediation Program Manager  
Idaho Department of Environmental Quality  
Waste Management and Remediation Program  
1410 N. Hilton  
Boise, Idaho 83706

**SUBJECT:** Response to IDEQ request for a 20-day extension for the reviews of the Draft SSSTF RD/RA WP and ICDF 60% Design Components (EM-ER-01-161)

Dear Mr. Nygard:

In your letter dated September 17, 2001, the Idaho Department of Environmental Quality (IDEQ) decided to extend the comment/review period for both the Staging, Storage, Sizing and Treatment Facility (SSSTF) Remedial Design/Remedial Action Work Plan (RD/RA WP) and the Idaho National Engineering and Environmental Laboratory (INEEL) Comprehensive Environment Response, Compensation, and Liability Act (CERCLA) Disposal Facility (ICDF) 60% Design Components documents. This is not the correct methodology for extending the comment/review period under the Federal Facility Agreement and Consent Order (FFA/CO). In the FFA/CO, section 8.13, the "Lead Agency" may extend the 45-day (primary documents) comment/review period by an additional 20-days. Under the FFA/CO Action Plan Section 4.2, IDEQ is not the "Lead Agency" for Waste Area Group (WAG) 3. In addition, Section 8.13 does not include any discussion of increasing the review period for secondary documents (30-day review) by an additional 20-days.

In developing the schedules for submittal of both the SSSTF RD/RA WP and ICDF 60% Design Components documents, United States Department of Energy Idaho Operations Office (DOE-ID) coordinated the schedules for document development and submittal with both IDEQ and EPA considerably prior to submittal of the documents. As the schedule and scope of these documents had been coordinated with the IDEQ and EPA during the development of the various documents, DOE-ID did not expect the extensions. Also, neither the SSSTF RD/RA WP or ICDF 60% Design Components documents are complex or unusually lengthy. In addition, other WAGs and projects are occasionally able to work in "real-time" or without delays and meet the standard timeframes for review of draft documents.

In accordance with the FFA/CO, DOE-ID provides IDEQ with funding through an "annual grant". The amount of the "annual grant" is negotiated to allow for IDEQ to adequately staff the various projects under the FFA/CO on a yearly basis. DOE-ID believes that DOE-ID has provided IDEQ with sufficient and adequate funding for IDEQ to review documents within the standard review times as specified in the FFA/CO.

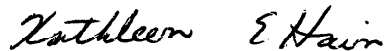
DOE-ID is allowing IDEQ the 20-day extension for comment/review on both the SSSTF RD/RA WP and ICDF 60% Design Components documents. However, it should be recognized that EPA, the "Lead Agency" for WAG 3 is not requesting an extended comment/review period and is submitting comments in accordance with the standard FFA/CO schedules. Resolution of EPA

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comments will be on going while IDEQ completes their review. In addition, there are important consequences to the project from IDEQ's extended comment/review period. The increased comment/review schedules delay the subsequent task for the project and in particular the field construction activities are impacted. Also, the delay in receiving IDEQ comment on the SSSTF RD/RA WP and ICDF 60% Design Components documents will result in increased costs along with the increased and impacted schedules. The delay in submittal of comments from IDEQ on the ICDF 60% Design Components will shorten the field construction season next year by the same amount of time as the comment/review period has been extended. DOE-ID and Bechtel BWXT Idaho, LLC (BBWI) are evaluating ways to recover the schedule for ICDF project including the construction season, but the increased costs due to the extended comment/review are not recoverable. If you have any questions, please call Talley Jenkins at (208) 526-4978 or myself at (208) 526-4392.

Sincerely,



Kathleen Hain, Manager  
Environmental Restoration Program

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